

109TH CONGRESS  
2D SESSION

# H. R. 6060

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IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2006

Received

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## AN ACT

To authorize certain activities by the Department of State,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Department of State Authorities Act of 2006”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Fraud prevention and detection account.
- Sec. 3. Education allowances.
- Sec. 4. Interference with protective functions.
- Sec. 5. Persons excused from payment of fees for execution and issuance of  
passports.
- Sec. 6. Authority to administratively amend surcharges.
- Sec. 7. Extension of privileges and immunities.
- Sec. 8. Removal of contracting prohibition.
- Sec. 9. Personal services contracting.
- Sec. 10. Proliferation interdiction support.
- Sec. 11. Safeguarding and elimination of conventional arms.
- Sec. 12. Imposition of sanctions to deter the transfer of MANPADS.
- Sec. 13. Additional authorities.

6 **SEC. 2. FRAUD PREVENTION AND DETECTION ACCOUNT.**

7 Section 286(v)(2)(A) of the Immigration and Nation-  
8 ality Act (8 U.S.C. 1356(v)(2)(A)) is amended—

9 (1) in clause (i), by inserting “or primarily”  
10 after “exclusively”; and

11 (2) by amending clause (ii) to read as follows:

12 “(ii) otherwise to prevent and detect  
13 visa fraud, including primarily fraud by  
14 applicants for visas described in subpara-  
15 graph (H)(i), (H)(ii), or (L) of section  
16 101(a)(15), in cooperation with the Sec-  
17 retary of Homeland Security or pursuant  
18 to the terms of a memorandum of under-  
19 standing or other agreement between the

1 Secretary of State and the Secretary of  
2 Homeland Security; and”.

3 **SEC. 3. EDUCATION ALLOWANCES.**

4 Section 5924(4) of title 5, United States Code, is  
5 amended—

6 (1) in the first sentence of subparagraph (A),  
7 by inserting “United States” after “nearest”;

8 (2) by amending subparagraph (B) to read as  
9 follows:

10 “(B) The travel expenses of dependents of  
11 an employee to and from a secondary or post-  
12 secondary educational institution, not to exceed  
13 one annual trip each way for each dependent,  
14 except that an allowance payment under sub-  
15 paragraph (A) may not be made for a depend-  
16 ent during the 12 months following the arrival  
17 of the dependent at the selected educational in-  
18 stitution under authority contained in this sub-  
19 paragraph.”; and

20 (3) by adding at the end the following:

21 “(D) Allowances provided pursuant to sub-  
22 paragraphs (A) and (B) may include, at the  
23 election of the employee, payment or reimburse-  
24 ment of the costs incurred to store baggage for  
25 the employee’s dependent at or in the vicinity of

1 the dependent’s school during one trip per year  
 2 by the dependent between the school and the  
 3 employee’s duty station, except that such pay-  
 4 ment or reimbursement may not exceed the cost  
 5 that the Government would incur to transport  
 6 the baggage in connection with the trip, and  
 7 such payment or reimbursement shall be in lieu  
 8 of transportation of the baggage.”.

9 **SEC. 4. INTERFERENCE WITH PROTECTIVE FUNCTIONS.**

10 (a) OFFENSE.—Chapter 7 of title 18, United States  
 11 Code, is amended by adding at the end the following:

12 **“§ 118. Interference with certain protective functions**

13 “Any person who knowingly and willfully obstructs,  
 14 resists, or interferes with a Federal law enforcement agent  
 15 engaged, within the United States or the special maritime  
 16 territorial jurisdiction of the United States, in the per-  
 17 formance of the protective functions authorized under sec-  
 18 tion 37 of the State Department Basic Authorities Act  
 19 of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic  
 20 Security Act (22 U.S.C. 4802) shall be fined under this  
 21 title, imprisoned not more than 1 year, or both.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
 23 at the beginning of such chapter is amended by adding  
 24 at the end the following:

“118. Interference with certain protective functions.”.

1 **SEC. 5. PERSONS EXCUSED FROM PAYMENT OF FEES FOR**  
2 **EXECUTION AND ISSUANCE OF PASSPORTS.**

3 Section 1(a) of the Act of June 4, 1920 (22 U.S.C.  
4 214(a)) is amended—

5 (1) by striking “or from a widow” and inserting  
6 “from a widow”; and

7 (2) by inserting “; or from an individual or in-  
8 dividuals abroad, returning to the United States,  
9 when the Secretary determines that foregoing the  
10 collection of such fee is justified for humanitarian  
11 reasons or for law enforcement purposes” after  
12 “such member” the second place it appears.

13 **SEC. 6. AUTHORITY TO ADMINISTRATIVELY AMEND SUR-**  
14 **CHARGES.**

15 (a) IN GENERAL.—Beginning in fiscal year 2007 and  
16 thereafter, the Secretary of State is authorized to amend  
17 administratively the amounts of the surcharges related to  
18 consular services in support of enhanced border security  
19 (provided for in the last paragraph under the heading  
20 “DIPLOMATIC AND CONSULAR PROGRAMS” under title IV  
21 of division B of the Consolidated Appropriations Act, 2005  
22 (Public Law 108–447)) that are in addition to the pass-  
23 port and immigrant visa fees in effect on January 1, 2004.

24 (b) REQUIREMENTS.—In carrying out subsection (a)  
25 and the provision of law described in such subsection, the  
26 Secretary shall meet the following requirements:

1           (1) The amounts of the surcharges shall be rea-  
2           sonably related to the costs of providing services in  
3           connection with the activity or item for which the  
4           surcharges are charged.

5           (2) The aggregate amount of surcharges col-  
6           lected may not exceed the aggregate amount obli-  
7           gated and expended for the costs related to consular  
8           services in support of enhanced border security in-  
9           curred in connection with the activity or item for  
10          which the surcharges are charged.

11          (3) A surcharge may not be collected except to  
12          the extent the surcharge will be obligated and ex-  
13          pended to pay the costs related to consular services  
14          in support of enhanced border security incurred in  
15          connection with the activity or item for which the  
16          surcharge is charged.

17          (4) A surcharge shall be available for obligation  
18          and expenditure only to pay the costs related to con-  
19          sular services in support of enhanced border security  
20          incurred in providing services in connection with the  
21          activity or item for which the surcharge is charged.

22 **SEC. 7. EXTENSION OF PRIVILEGES AND IMMUNITIES.**

23          (a) THE AFRICAN UNION.—Section 12 of the Inter-  
24          national Organizations Immunities Act (22 U.S.C. 288f-  
25          2) is amended—

1           (1) by inserting “(a)” before “The provisions”;  
2       and

3           (2) by adding at the end the following:

4       “(b) Under such terms and conditions as the Presi-  
5       dent shall determine, consistent with the purposes of this  
6       title, the President is authorized to extend, or enter into  
7       an agreement to extend, to the African Union Mission to  
8       the United States of America, and to its members, the  
9       privileges and immunities enjoyed by diplomatic missions  
10      accredited to the United States, and by members of such  
11      missions, subject to corresponding conditions and obliga-  
12      tions.”.

13       (b) THE HOLY SEE.—Under such terms and condi-  
14      tions as the President shall determine, the President is  
15      authorized to extend, or to enter into an agreement to ex-  
16      tend, to the Permanent Observer Mission of the Holy See  
17      to the United Nations in New York, and to its members,  
18      the privileges and immunities enjoyed by the diplomatic  
19      missions of member states to the United Nations, and  
20      their members, subject to corresponding conditions and  
21      obligations.

22   **SEC. 8. REMOVAL OF CONTRACTING PROHIBITION.**

23       Section 406 of the Omnibus Diplomatic Security and  
24      Antiterrorism Act of 1986 (22 U.S.C. 4856) is amended  
25      by striking subsection (c).

1 **SEC. 9. PERSONAL SERVICES CONTRACTING.**

2 Section 504 of the Foreign Relations Authorization  
3 Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C.  
4 6206 note) is amended—

5 (1) in subsection (a), by striking “broadcasters,  
6 producers, and writers” and inserting “broadcasters  
7 and other broadcasting specialists”; and

8 (2) in subsection (c), by striking “December 31,  
9 2006” and inserting “December 31, 2007”.

10 **SEC. 10. PROLIFERATION INTERDICTION SUPPORT.**

11 (a) ASSISTANCE.—Consistent with section 583 of the  
12 Foreign Assistance Act of 1961 (22 U.S.C. 2349bb–2),  
13 as amended by subsection (c), the President is authorized  
14 to provide assistance to friendly foreign countries for pro-  
15 liferation detection and interdiction activities and for de-  
16 veloping complementary capabilities.

17 (b) REPORT ON EXISTING PROLIFERATION DETEC-  
18 TION AND INTERDICTION ASSISTANCE.—

19 (1) REPORT REQUIRED.—Not later than 180  
20 days after the date of the enactment of this Act, the  
21 President shall submit to the Committee on Inter-  
22 national Relations of the House of Representatives  
23 and the Committee on Foreign Relations of the Sen-  
24 ate a report on proliferation and interdiction assist-  
25 ance.



(2) CONTENT.—The report required under paragraph (1) shall—

(A) specify in detail, including program cost, on a country-by-country basis, the assistance being provided by the Department of State to train and equip personnel in friendly foreign countries in the detection and interdiction of proliferation-related shipments of weapons of mass destruction, related materials and means of delivery, and dual-use items of proliferation concern; and

(B) specify, on an agency-by-agency basis, funding that is being transferred by the Department of State to other executive agencies to carry out such programs.

(c) INTERDICTION ASSISTANCE AMENDMENTS.—Section 583 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb–2) is amended—

(1) in subsection (a)—

(A) by striking “should ensure that” and inserting “shall ensure that, beginning in fiscal year 2007,”;

(B) by striking “expended” and inserting “obligated”; and

1 (C) by striking “that originate from, and  
2 are destined for, other countries” and inserting  
3 “to non-state actors and states of proliferation  
4 concern”; and

5 (2) by adding at the end the following new sub-  
6 sections:

7 “(c) COOPERATIVE AGREEMENTS.—In order to pro-  
8 mote cooperation regarding the interdiction of weapons of  
9 mass destruction and related materials and delivery sys-  
10 tems, the President is authorized to conclude agreements,  
11 including reciprocal maritime agreements, with other  
12 countries to facilitate effective measures to prevent the  
13 transportation of such items to non-state actors and states  
14 of proliferation concern.

15 “(d) DETERMINATION AND NOTICE TO CONGRESS.—  
16 The Secretary of State shall notify the Committee on  
17 International Relations of the House of Representatives  
18 and the Committee on Foreign Relations of the Senate  
19 in writing not more than 30 days after making a deter-  
20 mination that any friendly country has been determined  
21 to be a country eligible for priority consideration of any  
22 assistance under subsection (a). Such determination shall  
23 set forth the reasons for such determination, and may be  
24 submitted in classified and unclassified form, as nec-  
25 essary.”.

1 **SEC. 11. SAFEGUARDING AND ELIMINATION OF CONVEN-**  
2 **TIONAL ARMS.**

3 (a) IN GENERAL.—The Secretary of State is author-  
4 ized to secure, remove, or eliminate stocks of man-portable  
5 air defense systems (MANPADS), small arms and light  
6 weapons, stockpiled munitions, abandoned ordnance, and  
7 other conventional weapons, including tactical missile sys-  
8 tems (hereafter in this section referred to as “MANPADS  
9 and other conventional weapons”), as well as related  
10 equipment and facilities, located outside the United States  
11 that are determined by the Secretary to pose a prolifera-  
12 tion threat.

13 (b) ELEMENTS.—The activities authorized under  
14 subsection (a) may include the following:

- 15 (1) Humanitarian demining activities.
- 16 (2) The elimination or securing of MANPADS.
- 17 (3) The elimination or securing of other conven-  
18 tional weapons.
- 19 (4) Assistance to countries in the safe handling  
20 and proper storage of MANPADS and other conven-  
21 tional weapons.
- 22 (5) Cooperative programs with the North Atlan-  
23 tic Treaty Organization and other international or-  
24 ganizations to assist countries in the safe handling  
25 and proper storage or elimination of MANPADS  
26 and other conventional weapons.

1           (6) The utilization of funds for the elimination  
2           or safeguarding of MANPADS and other conven-  
3           tional weapons.

4           (7) Activities to secure and safeguard  
5           MANPADS and other conventional weapons.

6           (8) Actions to ensure that equipment and  
7           funds, including security upgrades at locations for  
8           the storage or disposition of MANPADS and other  
9           conventional weapons and related equipment that  
10          are determined by the Secretary of State to pose a  
11          proliferation threat, continue to be used for author-  
12          ized purposes.

13          (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
14          tion shall be construed to affect the authorities of the Sec-  
15          retary of Defense.

16   **SEC. 12. IMPOSITION OF SANCTIONS TO DETER THE TRANS-**  
17                                   **FER OF MANPADS.**

18          (a) STATEMENT OF POLICY.—Congress declares that  
19          it should be the policy of the United States to hold foreign  
20          governments accountable for knowingly transferring  
21          MANPADS to state-sponsors of terrorism or terrorist or-  
22          ganizations.

23          (b) DETERMINATION RELATING TO SANCTIONS.—

24                  (1) IN GENERAL.—If the President determines  
25          that a foreign government knowingly transfers

1 MANPADS to a foreign government described in  
2 paragraph (2) or a terrorist organization, the Presi-  
3 dent shall—

4 (A) submit forthwith to the Committee on  
5 International Relations of the House of Rep-  
6 resentatives and the Committee on Foreign Re-  
7 lations of the Senate a report containing such  
8 determination; and

9 (B) impose forthwith on the transferring  
10 foreign government the sanctions described in  
11 subsection (c).

12 (2) FOREIGN GOVERNMENT DESCRIBED.—A  
13 foreign government described in this paragraph is a  
14 foreign government that the Secretary of State has  
15 determined, for purposes of section 6(j) of the Ex-  
16 port Administration Act of 1979, section 620A of  
17 the Foreign Assistance Act of 1961, section 40 of  
18 the Arms Export Control Act, or any other provision  
19 of law, is a government that has repeatedly provided  
20 support for acts of international terrorism.

21 (c) SANCTIONS DESCRIBED.—The sanctions referred  
22 to in subsection (b)(1)(B) are the following:

23 (1) Termination of United States Government  
24 assistance to the transferring foreign government  
25 under the Foreign Assistance Act of 1961, except

1       that such termination shall not apply in the case of  
2       humanitarian assistance.

3           (2) Termination of United States Govern-  
4       ment—

5           (A) sales to the transferring foreign gov-  
6           ernment of any defense articles, defense serv-  
7           ices, or design and construction services; and

8           (B) licenses for the export to the transfer-  
9           ring foreign government of any item on the  
10          United States Munitions List.

11          (3) Termination of all foreign military financing  
12       for the transferring foreign government.

13       (d) WAIVER.—Notwithstanding any other provision  
14 of law, sanctions shall not be imposed on a transferring  
15 foreign government under this section if the President de-  
16 termines and certifies in writing to the Committee on  
17 International Relations of the House of Representatives  
18 and the Committee on Foreign Relations of the Senate  
19 that the furnishing of the assistance, sales, licensing, or  
20 financing that would otherwise be suspended as a result  
21 of the imposition of such sanctions is important to the  
22 national security interests of the United States.

23       (e) DEFINITIONS.—In this section:

1           (1) DEFENSE ARTICLE.—The term “defense ar-  
2       ticle” has the meaning given the term in section  
3       47(3) of the Arms Export Control Act.

4           (2) DEFENSE SERVICE.—The term “defense  
5       service” has the meaning given the term in section  
6       47(4) of the Arms Export Control Act.

7           (3) DESIGN AND CONSTRUCTION SERVICES.—  
8       The term “design and construction services” has the  
9       meaning given the term in section 47(8) of the Arms  
10      Export Control Act.

11          (4) FOREIGN GOVERNMENT.—The term “for-  
12      eign government” includes any agency or instrumen-  
13      tality of a foreign government.

14          (5) MANPADS.—The term “MANPADS”  
15      means—

16            (A) a surface-to-air missile system de-  
17            signed to be man-portable and carried and fired  
18            by a single individual; or

19            (B) any other surface-to-air missile system  
20            designed to be operated and fired by more than  
21            one individual acting as a crew and portable by  
22            several individuals.

23 **SEC. 13. ADDITIONAL AUTHORITIES.**

24          (a) WAR RESERVES STOCKPILE.—

1           (1) DEPARTMENT OF DEFENSE APPROPRIA-  
2           TIONS ACT, 2005.—Section 12001 of the Department  
3           of Defense Appropriations Act, 2005 (Public Law  
4           108–287; 118 Stat. 1011), is amended—

5                   (A) in subsection (a)(2)(D), by striking  
6           “as of the date of enactment of this Act,”; and

7                   (B) in subsection (d), by striking “2” and  
8           inserting “4”.

9           (2) FOREIGN ASSISTANCE ACT OF 1961.—Sec-  
10          tion 514(b)(2) of the Foreign Assistance Act of  
11          1961 (22 U.S.C. 2321h(b)(2)) is amended—

12                   (A) in subparagraph (A)—

13                           (i) by striking “\$100,000,000” and  
14                           inserting “\$200,000,000”; and

15                           (ii) by striking “2004 and 2005” and  
16                           inserting “2007 and 2008”; and

17                   (B) in subparagraph (B), by striking  
18           “\$100,000,000” and inserting “\$200,000,000”.

19          (3) EFFECTIVE DATE.—The amendment made  
20          by paragraph (1)(B) takes effect on August 5, 2006.

21          (b) EXTENSION OF AUTHORITY TO PROVIDE LOAN  
22          GUARANTEES.—Chapter 5 of title I of the Emergency  
23          Wartime Supplemental Appropriations Act, 2003 (Public  
24          Law 108–11), is amended in the item relating to “LOAN  
25          GUARANTEES TO ISRAEL”—



1           (1) in the matter preceding the first proviso, by  
2       striking “September 30, 2007” and inserting “Sep-  
3       tember 30, 2011”; and

4           (2) in the second proviso, by striking “Sep-  
5       tember 30, 2007” and inserting “September 30,  
6       2011”

Passed the House of Representatives December 8,  
2006.

Attest:

KAREN L. HAAS,  
*Clerk.*